

Comments Regarding Notice of Rulemaking Hearing

State Board of Equalization - Notice ID: 2265

Submitted by Larry W. Burks, Registered Agent 036

Please accept the following comments with respect to the proposed amendments to Chapter Number 0600-01, Contested Case Procedures:

0600-01-.03 Initiating a Contested Case

Requiring electronic filing of appeals if more than three parcels are appealed during a given year may cause an unnecessary burden on a taxpayer with multiple parcels. Additionally, there is the potential for the less than computer literate and/or those without adequate computer accessibility to be stymied in their attempt to successfully file an appeal.

0600-01-.08 Conditions for Appeal and Hearing

(1) Requiring that the appeal form "to appear to have been fully completed in good faith" seems to be very vague and subjective in interpretation. Who will be in charge of making this decision – the SBOE staff who may not be adequately trained in rendering this type of decision on a consistent and equitable basis?

Additionally, setting the valuation benchmark at \$250,000 for an appellant with a commercial or public utility classification to provide up-front and detailed information seems arbitrary and very low with respect to the extra burden of documentation required at the filing timeframe. At best, there will be excessive data that will be need to be handled and processed at the SBOE administrative level. Is the State Board ready to hire and train additional staff to accommodate this documentation?

At worst, what purpose does this rule change serve except to stymie the appeal process and discourage taxpayers from filing appeals? The proposed changes which would require complete and specific documentation from the appellant or their registered agent when contesting the property valuation by either a) Cost approach, b) Market approach, and/or c) Income approach would give the Assessor's office more time to review the taxpayer's appeal information without having to reciprocate. It would provide the Assessor's office with an unfair advantage in the appeal process. Unfairly, the county appraiser does not have any requirement to furnish the taxpayer or their representative with any data until there is a hearing or the Administrative Judge requires the county to do so.

It seems that an up-front, burdensome information submittal would simply circumvent the entire informal process between the county appraiser and the taxpayer or their representative. If this rule change is enacted, there will be no opportunity to discuss the question of valuation without the undue expense of market research and/or costly fee-based MAI appraisals.

Given the fact that Assessor's offices across the state can legally request information at any point in the appeal process they deem necessary from the taxpayer or their representative, this rule change certainly infringes on a registered agent from best representing their client. The limited and inadequate time to gather and submit appropriate data when filing more than three appeals on the arbitrarily set valuation above \$250,000 on commercial or public utility properties seems designed only to limit a tax agent from succeeding in obtaining a fair and equitable property valuation for the taxpaying client.